

## JUSTICE IN CO- COUNCIL FINDS NO SIGN OF CONSPIRACY IN RIGGS CASE

Court Asks Counsel For Bank to  
Point Out Facts to Justify  
Belief in Plan to Injure Bank  
or Depositors.

Untermeyer to Follow Hogan in  
Arguments Concerning In-  
junction Against Treasury  
and Currency Officials.

Without forecast of his opinion  
on the major issues involved, Jus-  
tice McCoy, in Equity Court No. 1  
today frankly told attorneys in the  
case of the Riggs National Bank  
against Treasury officials that he  
had found nothing so far to justify  
belief in a conspiracy between Sec-  
retary of the Treasury McAdoo and  
Comptroller of the Currency Wil-  
liams to injure or wreck the bank.

This preliminary statement from  
the court came during the contin-  
uation of the argument of Attorney  
Frank J. Hogan, of counsel for the  
bank, who was reiterating charges  
that the two officials had en-  
deavored to work irreparable in-  
jury to the bank by exacting re-  
quirements and annoyances, as out-  
lined in the complaint, and by in-  
fluencing the withdrawal of certain  
large deposits.

### WILL OFFER EVIDENCE.

Attorney Hogan informed Justice  
McCoy that the bank's attorneys, if  
the case goes to trial on its merits, fol-  
lowing the pending hearing on a motion to  
dissolve the temporary injunction, would  
endeavor to offer evidence showing be-  
yond all reasonable doubt that such a  
conspiracy existed between these two  
high government officials.

Mr. Hogan, who argued the case for  
five hours yesterday, had not concluded  
his argument early this afternoon when  
the luncheon hour arrived. Samuel Un-  
termeyer, of counsel for the government,  
will consume the rest of the afternoon  
session at the conclusion of  
Mr. Hogan's address.

Except for that portion of his argu-  
ment interrupted by Justice McCoy,  
Mr. Hogan's remarks today were lar-  
gely confined to the citation of authori-  
ties in support of the bank's conten-  
tion that the courts have the power to  
review "arbitrary acts" on the part of  
public officials, even cabinet officers.  
Page after page of authorities were  
read by Mr. Hogan, and there were  
occasional side-line objections from  
Mr. Untermeyer and Assistant Attorney  
General Warren as to the construction  
put upon these decisions by Mr. Hogan.

### Asks For Evidence.

Justice McCoy's offhand statement  
that he has not found anything yet to  
justify a "conspiracy" charge, follow-  
ing his question asking Mr. Hogan to  
point out what he considered to be evi-  
dence of conspiracy, discover any signs  
of a conspiracy whatever," said Justice  
McCoy. "And it would require proof  
and facts in themselves, apparently in-  
sufficient but so numerous as to lead  
inevitably to the conclusion of con-  
spiracy, or facts so heinous as to lead  
inevitably to such a conclusion, for the  
court to base its action on such a  
ground against the Secretary of the  
Treasury and the Comptroller of the  
Currency, officers who have the power  
rather than attempt to injure national  
banks. If these officers have undeco-  
rately and irreparably injured this bank,  
it would mean that they had conspired  
likewise against the depositors."

### Only Expression of Opinion.

Justice McCoy made it plain that this  
was merely an offhand expression of  
opinion on one phase of the allegations  
made by the bank and it was not in  
any sense a ruling. In considering the  
bill for a continuance of the prelimi-  
nary injunction, the judge pointed out  
there are several questions of law and  
fact separate from the conspiracy ques-  
tion, and he refused to grant the bill  
without relation to the conspiracy  
charge made in Attorney Hogan's argu-  
ment.

For instance, the presiding judge said  
the withholding of the \$5,000 interest  
due the bank on its bonds was one  
question, while the refusal to allow the  
bank to sue the bank as a reserve agency  
was a distinct question.

Mr. Hogan said he did not expect  
the court to make up its mind at this  
stage, but he added that "if this  
case should reach trial on its merits and  
we go into these questions and offer  
evidence, we expect to show a com-  
bination of circumstances that must  
lead your honor and the Court of  
Appeals of this jurisdiction has handed  
down a decision settling forever in this  
jurisdiction the question of the validity  
of this court and the members of  
the bar—namely, that conspiracy  
needs to be proved by a reasonable  
doubt."

Mr. Hogan's argument today again  
was replete with ironical references to  
Secretary McAdoo and Comptroller Wil-  
liams and their alleged arbitrary ac-  
tions. Treasurer Burke, who is brought  
into the suit because the \$5,000 interest  
(Continued on Second Page.)

## Wilson Reviews Fleet As It Sails Out to Sea Booming Forth Salvo

New York Harbor and Hudson River Fairly Dotted  
With Craft of All Sorts as Great American  
Armada Puts Out.

NEW YORK, May 18.—Grey, grim, and ominous looking, Uncle  
Sam's greatest sea fighting unit—the Atlantic fleet—steamed out of  
New York harbor today.

President Woodrow Wilson, as chief commander of the army and  
navy, reviewed the armada as it passed out to sea, from the deck  
of the yacht Mayflower, which was anchored but a short distance from  
the statue of the Goddess of Liberty.

Every man o' war as it glided by the President's yacht, belched  
forth its salute to the commander-in-chief from its small guns.

It was about 11 o'clock as the first warship passed the Battery  
place going out of the Hudson River into the bay. It was fully an  
hour later when the last ship fired its salute as it passed the Mayflower.

### HARBOR AND RIVER CROWDED.

The harbor and Hudson river were  
fairly dotted with craft of all  
sorts. Freighters, ferry-boats, pleasure  
craft, and excursion steamers, all  
laden to their limit with human freight,  
who wanted to bid the fleet farewell,  
steamed up and down the sides of the  
river and the harbor out of the path  
of the war vessels.

There was little whistle blowing  
seemingly the crews of the small craft  
wanted to spend all their time on the  
deck watching the big battleships, and  
did not want to keep steam going for  
the whistle. Only a few scattered,  
desultory blasts greeted the vessels.

### Thousands See Spectacle.

Thousands of New Yorkers viewed  
the departure of the fleet. Hundreds of  
them embarked on excursion steamers  
that anchored in the harbor close to the  
resident's yacht. Thousands of others  
lined the bluffs along the east side of  
the Hudson river from 10th street on  
south. Still thousands of others filled  
the windows in office buildings down  
town that overlooked the Hudson.

Battery place was a solid mass of hu-  
manity. The walks were filled to over-  
flowing and the crowds tramped out  
over the grass, unchecked by policemen.  
The river was cleared of cross-traffic  
shortly after 10 o'clock, when the lead-  
ers of the procession, two torpedo-  
destroyers, hove in sight. They were  
followed by the President's yacht.

Two more destroyers came in along  
behind the Mayflower. The five vessels  
proceeded out into the harbor close to  
the east side of the Statue of Liberty  
Island, where they dropped anchor.

After the first of this grand  
sight, the fleet steamed into sight and in  
single formation the others trailed

along. The fleet goes out for battle  
maneuvers.

Admiral Fletcher's flagship, the Wyom-  
ing, followed by the New York, Texas  
and other battleships, and then the de-  
stroyers and smaller craft, steamed past  
the reviewing stand in single file at  
ten knots speed.

As each ship breasted the Mayflower,  
the Presidential salute of twenty-one  
guns boomed out.

The answering boom of the battle-  
ships was followed by the sharp bark-  
ing staccato of the lighter guns on the  
smaller craft.

Crews "dressed ship" lining the rail  
and outlining turrets in a human fringe  
of blue, as they saluted past the May-  
flower. Bands of each played "The  
Star-Spangled Banner," returned in  
kind by the musicians of the Mayflower  
and Dolphin.

The President stood in the waist of  
the Mayflower, close to the rail, and  
doled his hat continually as strains of  
the national anthem came from each  
successive ship.

### Filaments of Smoke.

The reviewing ships were swept by  
filaments of smoke, which piled up in  
banks about the "bronze Goddess."

Not until the fleet was well down the  
harbor did the reviewing party leave  
its post.

After setting ashore the President's  
guests, the Mayflower was scheduled  
to sail shortly after 2 o'clock for Wash-  
ington, which will be reached early  
Thursday morning, after a slow jaunt  
down the coast.

Miss Margaret Wilson joined the  
Mayflower party today for the trip  
home. Because of seasickness on the  
way here, Secretary Tamm left it  
to go home by train.

## YOUNG ROCKEFELLER IS HERE AS WITNESS AS MINISTRY MEETS

Waits At Industrial Relations  
Hearing To Be Told He Won't  
Be Called Today.

John D. Rockefeller, Jr., arrived in  
Washington today, waited until 2  
o'clock to be called as a witness be-  
fore the Federal Commission on In-  
dustrial Relations, and then was told  
he would probably have to wait until  
tomorrow to give his testimony. Even  
if he is called before adjournment to-  
night, the commission will not com-  
plete its examination.

Rockefeller, accompanied by Mr.  
Lee, head of his publicity bureau, and  
Mackenzie King, director of Rockefel-  
ler's labor research bureau, re-  
mained in the commission's hearing  
room in the Shoreham Hotel all morn-  
ing, while Clarence Darrow, Chicago  
labor attorney, attacked him and his  
kind and defended the rights of the  
workers for their fight on Rockefeller's  
company.

The only diversion came when he  
shook hands with "Mother" Jones,  
who has charged him with responsi-  
bility for the loss of life and violence  
in the Colorado strike. Mr. Jones  
spent the morning on the stand,  
testifying among other things  
to the size of his fee in labor cases.  
He received \$25,000 in three big  
cases, for defending the McNamaras.  
(Continued on Third Page.)

## BARNES ADMITS HE TOOK RIVAL'S STOCK

Plaintiff in \$50,000 Suit  
Against Roosevelt Bares  
State Printing Business.

SYRACUSE, May 18.—Rather than be-  
come a competitor of J. B. Lyon Com-  
pany for State printing, William Barnes,  
plaintiff in the \$50,000 libel suit  
against "Colon" Roosevelt today re-  
treated and acquired 750 shares of stock  
in the Lyon concern in 1901, without a  
payment, from Lyon and sold it in 1910.  
Known that he was interested in the  
Lyon company, Barnes also told of an  
option on the contract for State print-  
ing from John A. McArthur in 1909,  
when he sold to J. B. Lyon for \$20,000 an  
interest in the profits which amounted to  
\$10,000.

Barnes' cross-examination was con-  
cluded before the luncheon recess. Sev-  
eral members of the legislature testified  
they had no talk with Barnes over the  
State printing deal when Senator O'Garra  
was elected.

## PENNSYLVANIA FIRED ON, BUT ELUDES SHELL

Anchor Liner Barely Escapes  
Fate of Lusitania By Out-  
witting Submarine.

### SAVED BY ZIG-ZAG COURSE

Captain Guides Ship From Side  
to Side, Managing to Avoid  
Torpedo.

By WILBUR S. FORREST.

LONDON, May 18.—The Anchor Liner  
Transylvania, carrying 829 passengers,  
narrowly escaped the same fate as the  
Lusitania, according to passengers who  
arrived here today from Glasgow.

A German submarine shot a torpedo  
at the Transylvania Sunday afternoon,  
they asserted, the death missile pass-  
ing forty yards astern.

"I was standing with two others on  
the Transylvania forward deck at  
about 4 o'clock Sunday afternoon," said  
Walter R. Burton, of Kent, who was  
returning to England from Jerome,  
Ariz. "One of the other passengers  
saw the periscope of a submarine and  
called our attention to it."

### Spy Sea Raider.

"An instant later there was a flash  
behind the water and we saw the  
white wake of a torpedo. It passed,  
as near as I can estimate, about forty  
yards astern."

"We did not want to alarm the other  
passengers, but sent word to Captain  
Burton on the bridge. The Transylvania  
immediately adopted a zig-zag  
course. She continued rushing about  
in this manner for several hours, cry-  
ing out from side to side in an alarm-  
ing manner."

Burton's statement was corroborated  
by Kenneth Douglas, an actor in the  
famous "Silk Stocking" company, who also ar-  
rived here from Glasgow aboard the 5  
o'clock train.

### Diverted From Course.

Burton said that the Transylvania,  
which sailed from New York on the  
same day the Lusitania was sunk, was  
in midocean before her passengers  
learned that any lives had been lost  
aboard the big Canadian liner.

An hour before the Transylvania  
sailed, New York newspapers carried  
the rumor that the Lusitania had been  
torpedoed," said Burton, "but they  
also had reports that she had been  
beached without loss of life."

The Transylvania received orders to  
put into Glasgow and discharge her  
passengers instead of proceeding to  
Liverpool with them. She arrived at  
the Glasgow railway station  
yesterday afternoon most of the Trans-  
ylvania's passengers firmly believed  
that the Lusitania had been sunk.

### Report of Attempted

Torpedoing of Liner  
Causes Stir Here

Reports that a German submarine  
made an attempt to blow up the  
Transylvania without warning while  
she was in the war zone Sunday  
caused stir in official circles today.  
Thus far, the reports are based on  
press dispatches from London, which  
represented that passengers saw the  
torpedo fired at the Transylvania, and  
that it came within forty yards of the  
liner.

The State Department today was  
without any official advice on the  
matter.

If the Anchor Liner was actually  
torpedoed, it is of the utmost significance,  
because it indicates that Germany  
has no intention of dropping her sub-  
marine warfare on merchant ships.

The comment of officials on the al-  
leged attack was that the evidence of  
it thus far was not sufficiently ade-  
quate to carry conviction, and that it  
might be that a few persons on board  
the Transylvania, made fearful by  
the news from the Lusitania, allowed  
their imaginations to run wild.

### Rush To Borders.

The last of the Austrians and Ger-  
mans in Rome, except those detained  
by urgent business, left the capital for  
the Swiss and Austrian borders today.  
Their presence at the railway stations  
attracted curious crowds, but there was  
no repetition of the hostile demon-  
strations of a few days ago. The streets  
were crowded today; the military were  
cheered at every move to bring about  
the whole of the spirit of the throng that  
assembled near the chamber of de-  
puties building and the other govern-  
ment offices was one of restraint.

### Try To Appease People.

Other Rome newspapers today fol-  
lowed the leadership of the Giornale  
d'Italia, and cautioned the people  
against hostile demonstrations against  
Germans and Austrians when Italy's  
expected declaration is made.

Slaughter of numbers of women by  
Austrian troops has incensed the popu-  
lar of Trieste, reports from Venice say.  
The soldiers have meant to bring about  
according to the stories, brought here  
when they refused to disperse after  
gathering near the place.

Yesterday mobs of men and boys at-  
tacked the gendarmes, who barricaded  
themselves in the streets and fired vol-  
untarily at the mob. The mob took back  
burning stores and burning stones  
through government buildings.

Martial law was declared last night.  
According to fugitives who arrived here  
at a late hour troops were still en-  
gaged in clashes with the mob.

When parliament meets Thursday it  
will be asked to pass without debate  
a bill conferring plenary powers on the  
government, according to Giornale  
d'Italia, which is a supporter.

Not the organ of the Salandra minis-  
tery. Armed with this authority the  
government will be ready to act.

Former Premier Giolitti, who led the  
peace party, has retired to his home in  
Cavour, his associates said today.

Giolitti, they said, told them he had  
exhausted every means to bring about  
a peaceful settlement, and would abide  
by the cabinet's decision.

## Berlin Feels American Protest Is Second To Italy's Threat of War



DR. THEOBALD VON BETHMANN-HOLLWEG,  
German Chancellor.

Reply to U. S. Note May Not Be Made This Week.  
Kaiser Is Expected to Edit Answer to Wil-  
son's Demands—Lull in Submarine  
Warfare Predicted.

BERLIN (via The Hague), May 17.—  
The German government has not yet  
decided whether to make a reply to the  
possibility that Germany's reply to the  
Bryan note will not be made this week.

The admittedly serious Italian situa-  
tion has served to focus both official  
and popular attention in that quarter  
to such a degree that the American at-  
tention has become a matter of sec-  
ondary consideration.

At the foreign office today it was  
stated that the matter is in the hands  
of von Bethmann-Hollweg, the imperial  
chancellor, for consideration, and that  
the draft of the reply, which undoubt-  
edly will be edited by the Kaiser him-  
self, will be prepared by the chancellor.  
So far as can be learned, even the  
tentative draft of a reply has not been  
framed, and the only official word  
given out is that the attitude and gen-  
eral nature of Germany's reply has not  
yet been determined.

### Expect Lull in Raids.

Pending the draft of a reply, the opin-  
ion prevails here that there will be a  
lull in submarine activities, at least  
so far as larger ships are concerned,  
and that no action will be taken that  
will tend to complicate matters.

That the German government is pre-  
paring to carry conviction, and that it  
will tend to complicate matters, is evi-  
denced by the attitude of the press.

While the unofficial version of what the  
Bryan note would probably contain was  
commented on at length, the press has  
been singularly silent since the receipt  
by the foreign office of the text of the  
Washington note.

The official text has not yet been  
made public, and the government sug-  
gested that comment be withheld until  
the text is published is being generally  
observed.

The nearest approach to a violation  
of the foreign office admonition was a  
mild editorial in today's Lokal An-  
zeiger, which concluded with the state-  
ment that Germany's answer, like that  
of President Wilson, will be as clear  
and polite as it is possible to make it  
pointing out that we must conduct the  
war as we have conducted it, and with  
a good conscience we can conduct it.

### Other Neutrals Bring

Pressure on Germany;  
Britain Aggrieves U. S.

Other neutral nations, echoing the as-  
sertion of President Wilson that the de-  
mand of the United States is a demand  
for humanity, have begun to bring pres-  
sure to bear on Germany to force that  
country to abandon her submarine war-  
fare against unarmed merchant vessels.

Last week it was indicated in The  
Times that a powerful factor for Ger-  
many to consider in replying to the  
note of President Wilson would be the  
fact that her attacks on merchant ships  
in the war zone have injured other neu-  
tralists almost as much as they have the  
United States; and that they were likely  
to follow the lead of the United  
States.

It was learned today that Secretary  
Bryan has taken care that copies of the  
President's note should be distributed to  
the diplomatic representatives of those  
countries, and that already the leaves  
have begun to work. It was stated in  
diplomatic circles that Holland, Norway,  
Sweden, and other north European neu-  
tralists as well as Italy have endorsed all  
that the President wrote.

For this reason it was regarded as  
significant that both the Italian am-  
bassador, Count Visconti di Cella, and  
the Netherlands minister, Chevalier W.  
L. van Rappard, called on Sec-  
retary Bryan today and had lengthy in-  
terviews with him. The two diplomats  
were accompanied by the German am-  
bassador, Count Lanning. The Italian am-  
bassador said he had called to discuss with  
Mr. Bryan the selection of a fifth mem-  
ber of the arbitration commission for-  
med under the Bryan peace treaty be-  
tween the United States and Italy, and  
(Continued on Second Page.)

### FOURTH AIR CRUISER

THOUGHT TO BE LOST

Three Zeppelins Destroyed, One  
in France, Another in Bel-  
gium, and Third in Channel.

LONDON, May 18.—Three Zeppelin  
airships, counted upon for the great  
German air raid on London, have been  
destroyed and a fourth so badly dam-  
aged that it is doubtful if it reached  
land, according to special dispatches  
received here today.

Besides the Zeppelin reported to  
have been brought down near Dun-  
kirke, following its attack on Calais  
early yesterday, a second dirigible  
was destroyed by fire from a French  
torpedo boat and fell into the chan-  
nel, the correspondent of the Daily  
News reported today. Its crew is  
thought to have been drowned.

A third Zeppelin falling in the Gier-  
lesche woods in Belgium was wrecked  
and dismantled Rotterdam dispatches  
assert.

No additional reports have reached  
the admiralty concerning the Zeppelin  
damaged by British aviators above the  
channel yesterday, and last sighted  
drifting helplessly in the clouds.

### Washington Postmen

Get Out Summer Suits

Though the mercury was hanging in  
the fifties, with a chill breeze that sav-  
ored of October, all of the carriers of  
the Washington postoffice went out to-  
day in bright, new, or refurbished sum-  
mer uniforms.

The change to lighter weight cloth-  
ing was made in accordance with an  
order from Postmaster Traeger, which  
sent the heavy winter uniforms to the  
mothballs or the old clothes bag.

## TWO THOUSAND GERMANS DIE UNDER ALLIES' FIRE AT YSER

Teutons Fighting Valiantly to  
Retain Positions Make Coun-  
ter-Attack at Great Loss.  
Rifles in Trenches.

From Sunset to Sunrise French  
Light Up Sky With "White  
Light" Bombs, While Shrap-  
nel Spatters Enemy.

PARIS, May 18.—Two thousand  
Germans were slaughtered by shell  
fire when the Teutons made their  
last stand on the west bank of the  
Yser, according to official dis-  
patches to the war office today.

The Germans fought valiantly to  
retain the positions they had won  
at terrible cost of life. They coun-  
ter-attacked with great daring, but  
were pressed back steadily while  
shrapnel mowed down their ranks.

Heavy artillery of the allies de-  
molished several bridges over the  
Yser.

### JAMMED WITH GERMANS.

Those that remained were jammed  
with retreating Germans, attempting to  
carry off some of their wounded of-  
ficers. The official report said that in  
addition to 2,000 bodies the allied troops  
found several hundred rifles in the en-  
emy's abandoned trenches.

During last night the Germans made  
several attempts to cross the canal by  
surprise attacks. From sunset until sun-  
rise today the French hurled bombs  
and every body of the enemy that ap-  
proached the canal was spattered with  
shrapnel. The Germans abandoned the  
attempt at daybreak.

From Notre Dame de Lorette, south  
of Arras the opposing artillerymen are  
continuing the duel begun Sunday night,  
the entire region is being shaken by  
the boom of big guns. There is every  
indication that an important engage-  
ment is about to begin in this section.

### Austro-German Forces

Suffering Heavy Losses  
In Rush on Peremysl

PETROGRAD, May 18.—The Austro-  
German have again been halted in  
their advance on Peremysl, according to  
dispatches received here today. The  
enemy's losses in infantry engage-  
ments were heavy. North of the fort-  
ress were described in semi-official dis-  
patches as "exceptionally heavy."

The war office announced today that  
the Russian army had repulsed an in-  
vasion of Bukovina, have forced a  
crossing of the river Pruth near Kolo-  
mea.

Our impetuous offensive drove the  
enemy back ten versts (6.7 miles) on  
the Pruth," said the official statement.  
"After repulsing the repeated enemy at-  
tacks, we crossed the river."

Fighting continues to the north in  
the Courland, around Shavli. The Rus-  
sians have won the Germans back be-  
yond the Dubissa river, capturing Ger-  
man trenches and taking a number of  
prisoners. Fighting in southeastern Po-  
land is becoming more violent.

### Canadian Soldiers

Capture Austrians

Foreigners Trying to Escape to  
United States Rounded Up  
and Then Interned.

WINNIPEG, Manitoba, May 18.—Aus-  
trians attempting to cross into the  
United States were rounded up today  
when a special train carrying Canadian  
soldiers arrived at Emerson.

All were placed aboard the special  
train and sent to the internment camp  
at Brandon.

Constables are rounding up all stran-  
gers between Winnipeg and the border.

### Peer to Buy Warship

To Avenge Lusitania

OMAHA, Neb., May 18.—Capt. James  
Alfred Hixenliet-Bourne, late of the  
British army, more lately employed by  
the Burlington railroad at Lincoln,  
Neb., has just been notified that he has  
fallen heir to the title of Lord Ratho-  
ne, a fortune of many millions, and  
the British government with a first-  
class battleship to avenge the sinking  
of the Lusitania.

### Scotch Bagpipe Factories

Working Night and Day

LONDON, April 28 (By mail).—For  
the first time in history, Scottish bag-  
pipe factories are working night and  
day, according to word from Glasgow.

It is not only the Scottish regiments  
that march to the battlefields behind  
the pipes. English, Irish and even In-  
dian regiments have caught the "pipe  
craze," until now it is estimated that  
10,000 pipes are playing "Johnny Cone"  
every morning in Britain, at sea, or in  
France, and the demand for the instru-  
ment exceeds the supply.

The instruments cost from \$35 to \$45